

DETAILED ACTION

1. The response of 9/29/08 was received and considered.
2. Claims 23-24 are pending.

Allowable Subject Matter

3. Claims 23-24 are allowed.
4. The following is an examiner's statement of reasons for allowance:
 - a. Regarding claim 23, **Snyder**, the closest prior art, discloses embedding in computer readable content (software, col. 2, lines 25-28 & col. 12, lines 21-25), instruction codes (tracker client program, col. 5, lines 44-50) operable to direct a processor circuit to automatically establish a connection to a server (col. 12, lines 28-30), when said content (software) is in use by said processor circuit (col. 12, lines 28-30), to transmit registration information (token) to said server (col. 12, lines 28-30) and operable to control further use of said content (software) by said processor circuit (Fig. 3a, #48) in response to a key (new token) and permission received from said server (col. 12, lines 36-37 & Fig. 3a, #48). **Meyer** teaches that non-functional descriptive content (media file, audio, etc., col. 4, lines 32-40 & col. 5, line 59 – col. 1, line 3) can have embedded therein executable code or application-specific data (col. 6, lines 43-55) for the purposes of execution of the code simultaneously with the use of the non-functional descriptive content to control the exact behavior of the execution environment relative to the content while playback is occurring (col. 10, lines 42-53). **Colvin** teaches embedding, in computer readable content, instruction codes (¶29) operable to direct a processor circuit

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to automatically establish a connection to a server (§29 & §32), when said content is in use by said processor circuit, to transmit registration information to said server (§32), and operable to control further use of said content by said processor circuit in response to a key/authorization code (§29 & §32-33), wherein the instruction codes (software) include self-executing (installation) application code. **Bullen** teaches generating temporary files that are generally unneeded and which must later be deleted to free up additional storage capacity (col. 2, lines 12-15). **Tomat** teaches that when temporary disk space runs low, it is beneficial to warn a user that files need to be deleted (col. 23, lines 11-16).

b. However, the prior art of record fails to teach or disclose, either alone or in combination, said instruction codes controlling subsequent use of said content by maintaining a count of the number of times a warning about deleting files is presented to a user of the processor circuit, in combination with the other elements of the claim as a whole and as described at least on pp. 10-11. Claim 24 is allowable based on its dependence upon claim 23.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. SIMITOSKI whose telephone number is (571)272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 6, 2008

/Michael J Simitoski/

Primary Examiner, Art Unit 2434